FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.6334 OF 2002.

Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order.	: Court or Judge's Order.

Mr.N.P. Bapat, with Mr. G.V. Limaye Advocates for the Petitioner.
Mr. K.K. Waghmare, Advocate for Respondent No.1.
Mr.Yogesh Dandekar h/f Mr. K.S. Dewal,Advocates for the Respondent No.3.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:23rd NOVEMBER, 2006.

1. Heard.

2. The petitioner challenges the order passed by the School Tribunal on 30th January, 2001 in Appeal No.44 of 1999. The School Tribunal has set aside the order of termination issued against respondent no.1 as the same was issued without following the procedure. Records apparently disclose that while appointing the respondent no.1 in permanent vacancy by relaxing certain eligibility criteria, the respondent

no.1 was appointed in the said post. Once the respondent no.1 was appointed in a permanent vacancy by following the procedure known to law by relaxing certain eligibility criteria on account of non availability of candidate with required qualification and he had continued for number of years in the said post, his services could not have been terminated without following the procedure prescribed for termination of services. Undisputedly, no such procedure was followed while terminating the services of the respondent no.1 and on that count the Tribunal has set aside the order of termination issued against the respondent no.1. Being so, no illegality is disclosed in the order nor it discloses any jurisdictional error so as to warrant interference in the writ jurisdiction under Article 227 of the Constitution. Hence the petition fails and is rejected.

[R.M.S.KHANDEPARKAR,J.]